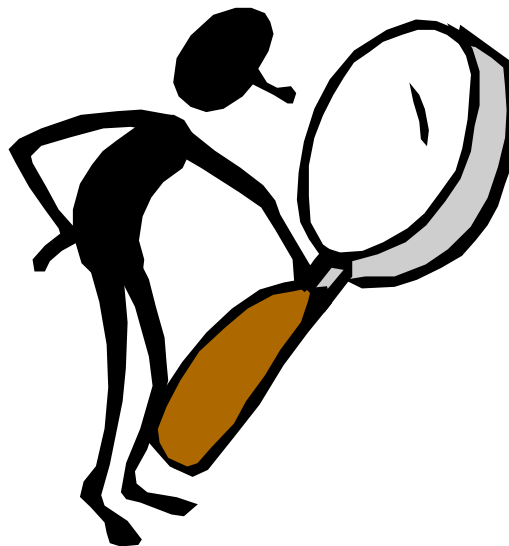




Ombudsman Annual Report to the Public



January 1, – December 31, 2003

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Ombudsman Annual Report to the Public January 1, – December 31, 2003

This report will detail the work of the Department of Environmental Management's Ombudsman during the January 1 to December 31, 2003 time period. The primary responsibility of the Ombudsman is to help the Department improve its effectiveness, efficiency and accountability, and to increase both external and internal support. The work effort of the Ombudsman can be broadly broken into two categories. Internal activities include work done to improve internal processes within the agency. External activities include projects that enhance communication opportunities with DEM's external stakeholders.

I. INTERNAL ACTIVITIES

During this time, the Ombudsman has been involved in four major DEM internal projects. Significant effort was expended on the following activities:

- A. Program Permit Streamlining**
- B. Public Records Management**
- C. Morale Focus Group**
- D. Quality Management Coordinator**

A. Program Permit Streamlining

The Department of Environmental Management is committed to continuously improving its performance. In previous years DEM, through the assistance of the Ombudsman, reviewed the Wetlands, ISDS, and the Waste Site Remediation Programs. In 2003 the Air Toxics Regulation Revision Stakeholder Process was completed. Task Forces are used to study the outstanding areas of concern in the program areas and include members of the regulated community, impacted municipal, state and federal agencies and staff members of DEM programs. The Task Forces focused on ways to improve the program by suggesting administrative, policy and regulatory program changes.

1. The Air Toxics Regulation Revision Stakeholder Process

In February 2003, DEM formed the Air Toxics Regulation Revision Stakeholder group. During the December Business Roundtable meeting, DEM notified this group that the air toxics regulations (Air Pollution Control Regulation No. 22) were being revised. The Office of Air Resources, with the assistance of the Ombudsman, used a stakeholder process to revise the air toxics regulation. Amendments to that regulation were discussed along with changes to the requirements for dry cleaning operations. The group met four times and was successful in developing a consensus. The November 2003 proposal incorporated many of the recommendations made by that group. The main changes from the amendments proposed in 2002 include:

- Regulatory requirements will be triggered by the amount of a toxic substance emitted from a facility rather than the amount used by the facility.
- Applicability thresholds in pounds per hour and pounds per day were dropped. Thresholds are now expressed only in pounds per year. This change results in simplified record keeping and reporting requirements.
- Fuel burning sources that are not major sources of air pollution will be exempted from the regulation. Major source fuel burning sources will be exempted from Air Toxics Operating Permit requirements for five years.
- Asbestos and lead abatement projects regulated by the Department of Health and other DEM rules will be exempted from the regulation, along with sodium hydroxide emissions from air pollution control equipment like caustic scrubbers.

B. Public Records Management

The Ombudsman identified record management as an issue that needed to be addressed. Record management is an underlying administrative function that affects all phases of work being done in the agency. Most employees are in the position of creating, reviewing, processing or filing records. DEM should provide all employees with the tools needed to ensure records are being properly handled. Following good records management practices will help to meet legal requirements and will benefit the agency in many ways such as:

- Improving access to information;
- Reducing the amount of file space;
- Reducing operating costs;
- Minimizing litigation risks;
- Safeguarding vital information;
- Supporting management decision making; and,
- Preserving DEM history.

Records need to be available to assist DEM in achieving its mission of protecting and managing the environmental resources of the state. A document control system needs to be developed to track a document during its life cycle, i.e. creation / collection, record maintenance and use and record disposition i.e., archiving or destruction.

The Ombudsman worked with a committee led by the Associate Director of Policy and Administration to develop a record management policy that will be beneficial to the agency and meet the requirements of state law. DEM is also working with a representative from the Secretary of States Office. DEM is one of the first agencies to tackle this problem and the policy developed may be used as the template for other agencies. The Ombudsman developed the policy and was finalized on June 9, 2003.

The policy that was developed:

- Defined the records management responsibility of both management and employees throughout the agency.
- Defined what constitutes an official record.

- Established a clear policy for retention of records, which should address creation / collection, record maintenance and use and record disposition, i.e., storage, archiving and destruction of departmental records.
- Established protocols for the destruction of obsolete records.
- Established a training protocol that will be used to disseminate information and train designated divisional personnel in the management of records according to the DEM policy.

The policy sets out procedures for paper records. Additional work needs to be accomplished on the maintenance of electronic documents.

C. Morale Focus Group

Senior Staff retreats identified employee morale as one issue that needed further investigation. The Ombudsman convened an employee-working group charged with identifying departmental problems and potential solutions. The Morale Focus Group met on eleven occasions and was able to identify and resolve or recommend the resolution of nineteen issues of concern. The outcome of the group was a draft report written by the Ombudsman in June 2003. This draft report was discussed at the senior staff retreat on June 6, 2003 and finalized on June 18, 2003. This report includes responses to many of the recommendations made by the report. Some of the changes that have been facilitated by the group included the following:

- Initiation of the Employee Newsletter the “DEM Resource”
- Clarification of and increased distribution of Senior Staff Meeting Notes
- Initiation of the development of the DEM Intranet
- Changing the format of the all-staff meetings to alternate meetings of all-staff with meetings in the Offices / Divisions.
- Adding signage to the Beach Street area that designated a short-term loading zone.

The group has also made a number of recommendations that will improve training opportunities and increase employee recognition. These issues were discussed at the Senior Management retreat that was held on June 6, 2003. The recommendations and responses are included below:

Recommendation 1

Develop and implement management training that would be available for all personnel in a supervisory position. Most managers are currently involved in the Professional Development Review system and this mechanism could be used to complement a managerial training initiative.

Response:

The Office of Human Resources indicated that they are working on a management-training module that should be finalized shortly.

Recommendation 2

Develop and implement a training program that will provide additional tools for employees that work with the public. One idea was to use motivational speakers who can provide training to larger groups of employees in a workshop setting.

Response:

The Office of Human Resources indicated that they have conducted training on customer service issues. They agreed to arrange for that trainer to meet with representatives from the Moral Committee to customize and provide this requested training.

Recommendation 3

Allow a small number of employees to sign up to attend Senior Staff and Chief Meetings as observers.

Response:

This was agreed to and employees should contact Rayna Santoro to sign up to attend the Senior Staff meeting. Attendance will be limited to three employees at any one time.

Recommendation 4

Institute additional mechanisms for recognizing employees that includes setting up an Intranet site for letters of recognition and development of a “thank you” board.

Response:

This was agreed to and Warren Angell will work on this and have this material placed on the DEM Intranet located at: <http://158.123.59.6/>

One of the most critical morale issues of the agency that needs to be discussed and addressed is that there are insufficient physical and personnel resources to accomplish the mission of the Department. This is an underlying problem of the agency.

D. Quality Manager

The environmental regulatory programs have the responsibility to implement and enforce environmental programs. EPA provides grant funding to assist the state in implementing these programs. One condition of these grants is to develop a Quality Management Plan. DEM needs data of known quality to enforce regulations and to develop environmental policy that can withstand scientific scrutiny. The DEM Quality Management Plan details the procedures that are used to ensure that data is collected in a scientifically valid manner. The DEM plan was initially developed and sent to EPA for approval in May 2002 and subsequently approved that August.

The Ombudsman is the Quality Management Manager for the agency. Responsibilities include:

- Providing oversight of all quality assurance related field and laboratory functions;
- Ensuring that procedures are in place at the division level to ensure all contracts and agreements conform to accepted quality assurance / quality control procedures;

- Developing a staff training program to educate them on the requirements of the Quality Management Plan;
- Developing procedures to conduct Management Reviews and Project Audits. These processes are used to ensure that data is collected in a scientifically valid manner.

This document was revised in September 2003. The significant updates include the following.

- The Office Policies and Standard Operating Procedures (SOPs) were updated and the inventory of DEM SOPs was detailed.
- The Quality System Training Program section was updated to indicate DEM training needs and priorities for 2003.
- The Documentation and Records section was updated to reflect DEM development of the Records Management Policy.
- The Annual Management Systems Reviews section was revised to indicate DEM would continue to work on developing a system for Management Reviews.

II. EXTERNAL ACTIVITIES

The Ombudsman position listens to and communicates with members of the regulated and environmental community and the public. In order to be responsive to these groups the Ombudsman collects information about their concerns about the DEM. The following strategies are used to collect this information:

- A. Public Outreach Activities**
- B. Ombudsman Website Development**
- C. Complaint Tracking Reports**
- D. Increasing Public Access to the Environmental Information**

A. Public Outreach Activities

One of the Ombudsman's responsibilities is to assess public concerns about the operation of the Department. The Ombudsman responds to public concerns through phone calls or e-mails. Other outreach activities include coordinating the following activities:

- 1. Roundtable Meetings**
- 2. Rhode Island Builders Association Meeting**
- 3. Environmental Education**
- 4. Customer Satisfaction Survey**

1. Roundtable Meetings

The Business and Environmental Roundtables are important feedback mechanisms for DEM. They provide the regulated and environmental communities the opportunity to interact with the Director and provide input in the resolution of environmental issues. The Ombudsman is responsible for developing the agendas and tracking the issues between the meetings.

a. Business Roundtable

I coordinated four meeting of the Business Roundtable last year. DEM provided updates to the group on the following issues:

- ◆ DEM Regulatory Agenda
- ◆ Environmental legislative proposals
- ◆ DEM budget
- ◆ Revision of the Arsenic standard used in the Site Remediation regulations
- ◆ Air Toxics Regulation development
- ◆ Greenhouse gas initiative
- ◆ Mercury program
- ◆ Waste Oil Regulation Revisions
- ◆ Hazardous Waste Generator Regulation Revisions
- ◆ RIPDES Regulation Revisions

The meeting also provided an opportunity to discuss other issues at length and included the following topics:

- ◆ Licensed Site Professionals in the Site Remediation Program
- ◆ Environmental Lead
- ◆ Environmental results / performance track program
- ◆ UST program regulation development
- ◆ Air toxics regulatory proposal
- ◆ Critical Economic Concerns Process (Dept. of Economic Development)
- ◆ Site Remediation Program process streamlining potential
- ◆ DEM Strategic Plan

As a result of these meetings the Air Toxics Regulations were revised and the public hearing was held in December. It is anticipated that the regulations will be finalized early in 2004.

For more information concerning the Business Roundtable click onto the Ombudsman's Website and go to the Business Roundtable section, i.e., <http://www.state.ri.us/dem/programs/ombuds/bround/index.htm>

b. Environmental Roundtable

I coordinated four meeting of the Business Roundtable last year. DEM provided updates to the group on the following issues:

- ◆ DEM legislative proposals
- ◆ DEM budget
- ◆ Energy/greenhouse gas program
- ◆ Air Toxics

- ◆ Revision of the Arsenic standard used in the Site Remediation regulations
- ◆ Big River Reservoir (Water Resources Board update)
- ◆ West Nile Virus
- ◆ RIPDES Program Regulation revisions
- ◆ Mercury Program
- ◆ Greenwich Bay Fish Kill
- ◆ TMDL Program Status
- ◆ Governor's Narragansett Bay and Watershed's Commission

The meeting also provided an opportunity to discuss other issues at length and included the following topics:

- ◆ Solid Waste Planning
- ◆ Environmental Issues at the Airport
- ◆ Transmission lines burial at India Point Park
- ◆ Anti-litter Initiatives
- ◆ Pawtuxet River Sediment Clean-up issue
- ◆ Funding of Pesticide Applicator Training
- ◆ DEM Enforcement Strategy
- ◆ DEM Strategic Plan Update

Because of these meetings DEM hosted meetings and provided administrative support for the Litter Task Force. This group began meeting monthly starting in August. By the end of the year the group completed a survey of municipal litter enforcement efforts.

For more information concerning the Environmental Roundtable click onto the Ombudsman's Website and go to the Environmental Roundtable section, i.e., <http://www.state.ri.us/dem/programs/ombuds/eround/index.htm>

2. Rhode Island Builders Association Meeting

The Ombudsman worked with the Rhode Island Builders Association and DEM staff to organize a meeting to discuss and answer questions about the ISDS Program and procedures. This meeting was co-sponsored by RIBA DEM. The meeting was held on October 15, 2003, from 3:30 –5:30 and was conducted in the Department of Health Auditorium in Providence. Approximately 50 people attended the meeting. The format of the meeting was a one-hour presentation by DEM, followed by a one-hour question and answer session.

3. Environmental Education

DEM is responsible for providing the public with information on Environmental matters. It is expected that the public will visit the DEM site for the latest environmental information. The DEM website is a comprehensive site and focuses on issues that are a concern to the state. Until recently there was little attempt to provide the public with material of a general environmental nature.

The Ombudsman developed environmental education content that can be used by the public to investigate issues related to the environment. The site structure is organized with specific areas for teachers and students and is broken down by elementary, middle school and high school resources, environmental publication. Environmental topics range from acid rain to wetlands. For additional information about this site, go to the DEM webpage located at <http://www.state.ri.us/dem/index.htm> and click onto Topics and then to Educational Resources. The Ombudsman will update this site on a regular basis to keep the content fresh.

4. DEM Environmental Permitting Customer Satisfaction Survey

In the summer of 2003, DEM completed its second customer satisfaction survey of its major permitting programs. Approximately 1200 individuals, consultants, municipalities and individuals who applied for permits in FY 2003 were surveyed. The results of this survey showed that DEM was providing a good level of customer service with respect to its conduct in pre-application meetings, permit application review and overall effectiveness of the permit program. Table 1 below is a compilation of the survey results.

Table 1 Environmental Permitting Program Survey Results			
Program	Pre-application Meetings	Permit Application Review and Determinations	Overall Satisfaction
Air	Very Good Service	Good Service	Very Good Service
ISDS	Average Service	Average Service	Average Service
Pesticides	N/A	Excellent Service	Excellent Service
Waste	Excellent Service	Excellent Service	Excellent Service
Water	Good Service	Average Service	Average Service
Wetlands	Average Service	Average Service	Average Service
Average of all Programs	Good Service	Good Service	Good Service

As can be seen above, customer satisfaction varied by program and DEM provided an average to excellent level of service in all programs. Although not all the program surveys represented a statistically valid sample, the survey results in 2003 show a general improvement trend. The most typical negative response indicated that the timeliness of permit decisions some of the DEM permit programs could be improved. Even though concerns were raised about timeliness issues with the permitting programs, there was strong support for the function of these programs. Responses from five of the six programs rated the role of the permitting process in protecting the environment at the excellent to good service level.

There were two questions on the survey that requested responses concerning the submission of applications electronically. The responders from the Air and Waste programs both thought it was a good idea to allow the submission in this format and over 85% indicated they would use this option if it were allowed.

B. Ombudsman Website Development

The Ombudsman website on the DEM homepage tracks many of my activities. I am responsible for developing the website content concerning the status of the Program Permit Streamlining activities; agendas, meeting dates and meeting notes of the Environmental and Business Roundtables and meeting notes, working group reports, meeting notices and agendas for Task Force activities. Task Force members and the public can be kept informed on these streamlining activities by these updates.

Information on the Ombudsman's activities can be found at the following location:

<http://www.state.ri.us/dem/programs/ombuds/index.htm>

C. Complaint Tracking Reports

The ombudsman receives calls from the public concerning a range of environmental problems. Many of the calls are general questions from the public but do not know whom to contact in the agency for responses. These kinds of questions are either responded to immediately or are transferred to the appropriate program. In addition to these calls, I handled fourteen cases that needed further attention. To date, none of the cases required a formal written finding from the Ombudsman.

Ombudsman Complaint Summary	
Program Issues	Number of Concerns Raised
ISDS Permitting	3.5
Wetlands Permitting	2.5
Water Quality Issues	2
Parks and Recreation	1
Air Pollution Source Odors	1
Boating Registration	1
OWM Site Remediation	1*
Agriculture – Animal Issues	1
Solid Waste Issue	1
Total	14

Eight of the issues were water related and were mostly concerned about the timeliness of the decision or the decision itself.

*It should be noted that the one site remediation issue was an issue where residue from a historical industrial process was found throughout a neighborhood in Tiverton. I spent a significant amount of my time on this case in the last quarter of the year.

D. Increasing Public Access to Environmental Information

In 2003, the Ombudsman was active in this issue and can report progress in these areas:

1. Translation of DEM Website Content into Other Languages

The DEM website is not accessible to citizens who are not knowledgeable in English. In order to increase accessibility, the Ombudsman started to investigate translating a portion of the DEM web content into other languages. DEM posted four brochures in Spanish on its website. This was accomplished due to the Ombudsman's partnership with the Metropolitan School in Providence. One student did the initial translation into Spanish for the four topics. Will Lemus in Air Resources, who regularly helps with communications with Spanish-speaking constituents, did the final editing. The brochures translated include: Customer Assistance Guide to the Department of Environmental Management; Wetlands Permitting Program; informational brochures on protecting against mosquitoes and products containing mercury with alternatives. The material that has been translated can be found on the DEM website located at: <http://www.state.ri.us/dem/index.htm> then click on Topics, then Recursos en Español.

2. Environmental Education Website

DEM has recently added an Environmental Education section to its website. The site is targeting the public, and teachers and students below college level. The purpose of the website is to give people a starting point for their search for information about environmental topics that are of concern to Rhode Islanders. Topics included in the website range from Air Pollution to Wetlands with many topics in between. The site can be viewed at the DEM website located at: <http://www.state.ri.us/dem/index.htm> then click on Topics, then click on Educational Resources.

3. Solid Waste Plan Update

The Rhode Island Resource Recovery Corporation has begun the process of revising the state solid waste plan. The Ombudsman is responsible for having all reports, meeting agendas, notices and notes posted on the DEM website. This plan is being revised because the existing plan is not current and needs to reflect existing waste disposal conditions. The group will review the plan to expand opportunities for source reduction, recycling and composting in order to reduce the amount of material landfilled. The revised plan will discuss issues like landfill disposal capacity, source reduction, commercial and municipal recycling, the economics of waste disposal, recycling market development, composting and special wastes. The group will meet at the RIRRC's headquarters in Johnston on the second Friday of the month. The first meeting was held in February and is expected to continue for the rest of the year.

4. Bay Street Study Area

In August of 2002, residents in the neighborhood community off of Bay Street in the Town of Tiverton became suspicious of soil material being stockpiled along Bay Street as part of a sewer main installation, the Mount Hope Bay Sewer Interceptor Project for North Tiverton, Rhode Island. Complaints filed at DEM initiated an investigation by a member of the DEM hazardous materials response team at the corner of Judson and Bay Street and at the bottom Last Street in Tiverton. The DEM field investigator observed stockpiled soils at both locations that the sewer contractor had placed there. The stockpiled soil had a "blue" color associated with it, indicative of historic coal gasification waste material. Laboratory analyses of the soil material by the Department's contractor laboratory revealed the presence of cyanide and other hazardous substances in the stockpiled soils.

The Ombudsman was named DEM's point of contact person for this site and has developed a website that tracks the progress of this site. The website is located on the Ombudsman's home page.